Supreme Court, U.S.
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79-1492

IN THE

UNITED STATES SUPREME COURT

RONALD R. MOORE,

Plaintiff,

vs.

STATE OF MINNESOTA, CITY OF ST. PAUL, LEGAL ASSISTANCE OF RAMSEY COUNTY, ST. PAUL TENANTS UNION,

Defendants.

PETITION FOR A WRIT OF CERTIORARI

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Petitioner seeks a writ of certiorari to acquire protection of the right to contract, the right to own property free from unreasonable governmental interference, and the right of an individual to provide for himself in general.

(a) The district court determined there was no subject matter jurisdiction because of a lack of standing to sue and granted summary judgment to all defendants on all other charges. The Appellate Court determined there was no subject matter jurisdiction because there was no substansial federal question and affirmed all of the District Court's summary judgments. Rehearing was denied in both courts.

(b) Petitioner believes the defendants in this action violated his contract rights, the right of due process, equal protection, prohibition to confer titles of nobility, and privacy all arising directly from the U. S. Constitution. Petitioner further believes his representation pro se has had the effect of denying him his day in court.

(i) and (ii) Petitioner wishes a review of the judgment in Moore v. Minnesota et al, No. 79-1740 United States Court of Appeals for the Eighth Circuit submitted 11 Jan 80 filed 16 Jan 80. Rehearing denied 11 Feb 80. Also the judgment in Moore v. Minnesota et al, Civil 3-78-405 United States District Court, District of Minnesota, Third Division, dated 9 July 79. Reconsideration denied 2 Aug 79.

(iii) The basis for a writ of certiorari is Rule 19-1-b Supreme Court Rules.

(c) Questions presented for review:

1. Is a law that inserts an affirmative clause in residential rental contracts which results, because of vagueness and directed discrimination, in the practical application of:

(i) any defect in the apartment defeats the landlord's ability to terminate the contractual relationship at the end of the period of time mutually agreed to as proper notice,

(ii) any defect in the apartment is a failure of performance by the landlord that reduces the value of his consideration when said defects were present at the time the parties entered their agreement and all parties had opportunity to view the premises,

(iii) submits a landlord to having to resort to legal process to defeat an unfounded claim on the part of the renter and simultaneously denies the landlord relief from unfounded litigation,

an unconstitutional restraint of contract or impairment of obligation on contract such as violates the right of contract guaranteed by the U. S. Constitution?

Note: The nonsubsidized businessman knows that how money comes in can be as important as how much money is due.

2. Do building code specifications regulating materials and workmanship sufficiently protect the public safety, health, and welfare so as to make the requirement that one have a contractors license to work on his own property an unconstitutional intrusion on the owner's property rights?

Note: Owners with limited resources are

going to violate such a law because they have to. This law actually diminishes the public health and safety because it necessitates the conduct of repairs in secret and thus without subjection to quality of materials and workmanship criterae.

3. Do the 145 admissions in this action constitute evidence such as to render existing summary judgments for the defendants to be in excess of the discretionary powers of the court?

Note: A law which is generally violated and unenforcible can serve only as a tool for discrimination.

(d) Constitution of the United States
Article I section 10
Article XIV.

(e) I entered business in the Portland-Selby Neighborhood of the City of St. Paul, Minnesota when it was an economically depressed, high crime area. The more visible criminal activities were prostitution with its honor guard of pimps and pimp-mobiles, drug traffic, purse snatching, and welfare fraud. Burglaries were rampant and to walk down some of the streets alone, even in daylight was inadvisable. I entered this environment in the business of residential landlord because there was available much excellent property for bottom dollar and under performable financing arrangements. I could only afford what others no longer wanted, because I was starting with less than $15,000.00.

Because several new property owners were also establishing their families in this neighborhood at the same time, I found improvement to be possible and quite

rapid. This change did not suit the purposes of the St. Paul Tenants Union and Legal Assistance of Ramsey County whose justification for existence was to provide services for poor people, without regard to the reasons for their being poor. Consequently, even though I received no public funding, they attempted to force on me their brand of affirmative action. Yielding to their abusive demands would have been economically disasterous, so I unequivocally rejected them. This made us bitter political enemies and threatened their strong footing in the community on which they depended for financial resources. They mounted an attack for the purpose of putting me out of business. I don't blame them for this dicision, I was trying to put them out of business at the same time. It is the methods they used and the illegal assistance they were rendered by the other defendants, (appellees in this action,) that I claim violate rights guaranteed to me by the United States Constitution.

The City of St. Paul entered this foray because they were called on to perform inspections of real property that I was renting to the public. No finding of the inspectors represented a health or safety hazard. Some were listed that did represent health and safety hazards, but these were listed only and did not exist in fact. They were listed on the basis of hearsay only and were deleted from the discrepancy lists when actual discrepancies were finalized. The City of St. Paul became an antagonist, not in the interest of an affirmative action program, but because they found their political interests best served in an illegal fur-

therance of the interest of trades and labor. They applied the power to license contractors as the power to prohibit property owners to work on their own property.

The State of Minnesota, "In times of popular excitement...," passed a law which is per se or has been practically applied to effect the following results:

1. Vague.
2. Unconstitutionally restrain the residential property owners' right to contract.
3. Denies to the owner any ability to enforce the contractual obligations agreed to by his tenants.
4. Subjects his consideration to a test of value.
5. Denies him possession of his real property according to the terms of his contract concerning possession.
6. Subjects him to criminal prosecution if he initiates his option to regain possession in accordance with the terms of the contract.
7. Eliminates the tenant's requirement to give notice, as agreed to, when the tenant chooses to terminate the contract by nonperformance.
8. Allows a tenant who has become hostile to his present situation for any reason to force his landlord into legal process without the tenant being subjected to a risk for the creation of legal process he knows is wrongfully stimulated.
9. Subjects the landlord to barratrous conduct by organizations that are openly hostile to property owners.
10. Makes the landlord vulnerable to unbounded harrassment by local code

enforcement departments whose sympathies lie with the building trades and whose principle tool is intimidation.

The City of St. Paul has admitted to:

1. Corrective legislation.
2. Arbitrary and capricious application of building codes.
3. Misrepresentation of permit issuance procedures.
4. Using building codes to defeat zoning rights.
5. Prohibiting materials as satisfactory as those allowed.
6. Allowing permits in some cases and denying them in others under like circumstances.
7. Denying an owner permits to do work on his own property for the purpose of promoting trades and labor interests.
8. Issuing permits on a basis other than the skills of the applicant.
9. Listing defects in buildings which did not in fact exist.
10. Conducting inspections on properties because the plaintiff owned them and the plaintiff refused to be intimidated into doing his maintenance secretively.

This conduct is commonly practiced by every metropolitan community in the country making it of such fundamental importance that the U. S. Supreme Court should forbid it as unconstitutional.

The St. Paul Tenants Union and Legal Assistance of Ramsey County have admitted to conduct which constitutes:

1. Abuse of legal process.
2. Malicious use of process.

3. Barratry.
4. Maintenance.
5. Negligence.
6. Interference with contract.
7. Conspiracy to deny the appellant his civil rights.
8. Initiating application of unlawful building codes and lawful building code in an unlawful manner.
9. Misrepresentation.
10. Encouraging others to cause legal process when there was no basis for causing a legal process.

They have even put up recruiting posters in public announcing to tenants at large to the effect, "You want to cause your landlord trouble? You initiate and we'll advise."

The record is replete with indications of the courts' and defendants' obsession with the plaintiff proceding pro se. They constantly display this status as their formost consideration and frequently even underline it.

The courts most common disposition of pro se plaintiffs' cases is reliance on their powers to ignore them. When it is impossible to ignore them, hip-shot judgments are rendered to insure their dismissal. When the prose plaintiff is not an attorney, the courts often make blatant displays in this dereliction of duty. An example is Judge Devitts conduct in this case. He actually directed the defendants to write up the order and he would sign it. One can get a pretty good looking finding that way. MacGaughlin was more discrete. He recognized that a substantial federal question had been sufficiently raised to make the basic finding

that there was none imprudent. Thus we see a sophisticated finding on standing to sue laced with summary judgments that quashes the plaintiffs day in court. This is by far the highest degree of skill displayed in denying this citizen access to the court. The Appellate Court determined no federal question existed and affirmed the summary judgments. The entire conduct of the judiciary to this point is simply a confirmation that the defendants' choice of ignoring my 145 requests for admission displayed a more accurate knowledge of the credibility gap between the courts' words and the courts' conduct than I entertained. The appearance that the courts' consideration of the issues are affected by whom one chooses to represent him should be sufficiently embarrassing to the courts that the Supreme Court hastily take steps to rectify the situation.

Denial of his day in court because a party has not employed a licensed attorney is effectively denial of all protection of the law. We again see the power to license raise the ugly head of the power to prohibit. This use of the licensing power is a direct violation of the prohibition of conferring titles of nobility as well as a violation of due process. Life liberty, and the pursuit of happiness is inseparably dependant on a person's right to provide for himself. Using the power to license as the power to prohibit is to alienate those rights. Since this abuse of licensing power is a common practice of the courts, it is little wonder one has difficulty in court establishing as an issue illicit prohibition resulting from licensing authority.

The formidable array of power displayed by the opposition named in this action and the vested interests of unnamed power structures, like trades and labor, in the issues, generate considerable reluctance on the part of anyone who is sensitive about the welfare of their political and business future to become involved in this action aligned with the plaintiff.

No one feels an obligation to provide representation for me. Few have a stomach for presenting a case with the complexity of relationships that these issues involve. No representation other than myself is or ever has been available to me.

If the courts' considerations of the issues are limited to how they are going to deny a pro se party his day in court, than my choices were always limited to giving an attorney $9,000.00 and letting him abandon the case when it got difficult or my being shown no court was going listen to a person protecting his own rights.

This prejudice is a longstanding one which has always been revolting to the citizenry at large. With the recent advent of providing council for the indolent in civil matters it is critical that those of us for whom no council is provided not be subjected to the traditional antagonism of the courts to pro se representation. Instead of securing the constitutional rights of Ronald R. Moore, the courts have deprived him of another one. There is supposed to be a trial if there is an issue. The finding that there is no genuine issue presented by this appellant is ludicrous. He was forced out of

business by governmentally subsidized professional agitation groups and St. Paul's illicit protection of special interests.

The necessity for a federal question lies only in retaining the State of Minnesota as a party. All other parties are appropriate parties by virtue ofdiversity of citizenship. However, the City of St. Paul has also violated this party's constitutional rights and the remaining defendants conducted themselves culpably in concert with the city. Accordingly, I submit 3 questions to the Supreme Court and request a finding that they present a substantial federal question. Further, I request that all of the findings of the lower courts be overturned and this party be given his day in court.

(f) Not applicable.

(g) Federal jurisdiction is conferred by virtue of the outcome depending on interpretation of the U. S. Constitution and diversity of citizenship and the amount in question exceeding $10,000.00 exclusive of costs and interest.

Respectfully submitted,

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